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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/733,522      | 12/08/2000  | Neta J. Amit         | 2210                | 1989             |

7590 07/27/2005

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EXAMINER

MCCLELLAN, JAMES S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3627

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |                                    |  |
|------------------------------|---------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/733,522  | <b>Applicant(s)</b><br>AMIT ET AL. |  |
|                              | <b>Examiner</b><br>James S. McClellan | <b>Art Unit</b><br>3627            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 11, 2005 has been entered.

### ***Amendment***

2. Applicant's submittal of an amendment on 4/11/05 is entered, wherein:

claims 1-30 are pending and

claims 1, 19, and 29 have been amended.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 and 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,604,093 (Etzion et al.) in view of U.S. Patent No. 6,477,585 (Cohen et al.).

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Regarding **claim 1**, Etzion et al. discloses a system for notifying clients of events of an event source (see column 17, lines 15-20), comprising: a first trigger engine configured to register event requests (see Figure 2, step 40), including first and second event requests; upon receipt of an event instance, the first trigger engine configured to determine whether the event instance corresponds to first event request, if so, to notify the first client of the even instance (see column 17, lines 15-20), and the first trigger engine configured to determine whether the event instance corresponds to the second event request, and if so, to notify the second client of the event instance (see column 17, lines 15-20); [**claim 2**] the data indicative of the event instance is provided in an event object (see column 8, lines 15-19); [**claim 4**] communication is over a network connection (see Figure 1); [**claim 5**] the first trigger engine includes at least one data structure (see column 12, lines 20-29); [**claim 6**] the first trigger engine is client; [**claim 7**] at least one of the event request corresponds to a job (the events perform jobs over a given time schedule); [**claim 8**] the first trigger engine is associated with a job scheduler component (each event is controlled by initiators and terminators); [**claim 10**] the job scheduler component includes at least one data structure (Table 1); [**claim 11**] the event-triggered criteria include a time event (each event is controlled by initiators and terminators); [**claim 12**] the event-trigger criteria include a job event corresponding to the completion status of at least one other job (complex events include multiple events that occur at different times); [**claim 13**] the event-triggered criteria are arranged as clauses of atoms, each atom corresponding to a request (see column 8, lines 58-60); [**claim 14**] communication by the first trigger engine is via a reliable protocol (inherent); and [**claim 16**] the first trigger engine includes a recovery process (it is inherent that time values are reset after each event is completed).

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Etzion fails to disclose a second trigger engine, wherein the second trigger engine registers multiple event requests that are grouped with similar requests into a base request.

Cohen et al. teaches organizing event requests by event types and the utilizing an event management service (EMS) to determine the user to notify when the request is completed (see columns 7, line 42 - column 8, line 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etzion et al. with grouping of event requests as taught by Cohen et al., because grouping event requests allows more efficient organization of the event requests.

Regarding **claim 18**, the Examiner takes Official Notice that is old and well known to use an access checking mechanism.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etzion et al. with access control as is well known in the art, because installing access control within a system provides the security necessary to insure the protection of enterprise data.

**Claims 19-28** are directed to a method of using the system of claim 1, wherein the combination of Etzion et al. and Cohen et al. discloses the method as described above in detail for the system.

**Claims 29 and 30** are directed to system similar to the system of claim 1, wherein the combination of Etzion et al. and Cohen et al. discloses the system of claim 29 as described above in detail for the system 1.

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5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Etzion et al. in view of Cohen et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,018,627 (Iyengar et al.).

Etzion et al. in combination with Brinnand et al. disclose the claimed invention as set forth above but fail to explicitly disclose the use of MSMQ messages as the means of communication between the first and second trigger engines.

Iyengar et al. teaches the use of utilizing MSMQ messages.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etzion's modified device with MSMQ messages as taught by Iyengar et al., because MSMQ is a known equivalent messaging system.

### ***Response to Arguments***

6. Applicant's arguments filed April 11, 2005 have been fully considered but they are not persuasive.

On page 12, final paragraph (similar argument on page 13, first paragraph), Applicant argues that Etzion fails to provide a system for receiving data indicative of the event instance from a second trigger engine to the first trigger engine that is configured to determine which of the one or more event requests the event instance corresponds to and once the determination is made to notify the first client of the event instance when the event instance corresponds to the first event request and to notify the second client of the event instance when the event instance corresponds to the second event request. Applicant is arguing the references individually instead of arguing the combination of references relied in the 35 U.S.C. § 103 rejection. The

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Examiner acknowledges that Etzion fails to disclose a second trigger engine to register multiple event requests. Therefore, Cohen in combination with Etzion is relied upon to teach the features Applicant argues (see Cohen, column 7, line 42 - column 8, line 62).

On page 13, first full paragraph (similar argument on page 17, first full paragraph), Applicant argues that Etzion “teaches away” from notifying clients. The Examiner respectfully disagrees. Applicant has not provided support for his assertion that Etzion teaches away from the combination. In fact, Etzion and Cohen are directly related to the same general problem, event notification. Cohen merely adds a desirable feature to the system disclosed in Etzion.

On page 13, second paragraph, Applicant argues that Cohen does not disclose determining which of the one or more event requests the event instance corresponds to and once the determination is made to notify clients of the event instance when the event instance corresponds to an associated event request. The Examiner respectfully disagrees. Cohen discloses determining the event instances that correspond with each client (see column 7, line 42-column 8, line 62).

On page 14, final paragraph (continued on page 15), Applicant argues that Etzion “proscriptively evaluates whether the first instance can satisfy the rule before evaluating the second condition”. It is unclear how Applicant’s argument overcomes Etzion’s disclosure of the claimed invention.

On page 15, first full paragraph, Applicant argues that the Office action does not provide proper motivation for combining Etzion with Cohen. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the

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claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is taken from the knowledge generally available to one of ordinary skill in the art. Efficiency is the goal of any company. Therefore, if efficiency is obtained by making the combination of Etzion and Cohen, then it serves as proper motivation to combine.

On page 15, final paragraph, Applicant argues that the Office action improperly relies upon hindsight reconstruction. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

On page 16, final paragraph (continued on page 17), Applicant argues the limitations of claims 19 and 29 based on the previous arguments set forth for claim 1. The rejections of claims 19 and 29 are maintained for the same reasons set forth above for claim 1.

On page 17, final paragraph, Applicant inadequately traverse the Examiner's assertion of Official Notice regarding claim 18. MPEP 2144.03 states, to adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-



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known in the art. See 37 CFR 1.111(b). See also Chevenard, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also Zurko, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). Additionally, MPEP 2144.03 states, if applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. It is noted that Applicant failed to specifically point out the supposed errors in the examiner's action.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James S McClellan  
Primary Examiner  
Art Unit 3627

jsm  
7/22/05